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**Remarks:**

Reconsideration of the above referenced application in view of the enclosed amendment and remarks is requested. The Claims have been renumbered at the request of the Examiner. The new claims numbers shall be used when referring to the claims in the discussion below. Duplicate Claim 14 has been deleted. Claims 1, 5 and 7-23 have been amended. It should be noted that Claims 9-12 and 14-23 are amended only to correct the numbering inconsistency objected to by the Examiner, and these amendments do not change the scope or meaning of the Claims as originally filed. Existing Claims 1 to 23 remain in the application. The Claim objections are moot based on the above amendments.

**ARGUMENT**

The Examiner objected to the specification as not including a "Summary of the Invention" section and required Applicant to amend the patent application to include such a section. Applicant hereby respectfully traverses the objection and kindly points out to the Examiner that a "Summary of the Invention" section is optional since neither the rules nor the patent statute requires a patent applicant to provide such summary. As discussed in 37 CFR 1.73:

"A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed [emphasis added]. 37 CFR 1.73."

Thus, Applicant respectfully points out that the use of the word "should" and the phrase "when set forth" indicates that inclusion of a "Summary of the Invention" section is optional rather than mandatory. As a result, it is believed there is no legal basis upon which to require a patent applicant to provide a "Summary of the Invention" section in a patent application or to require an applicant to amend the patent application to include such a summary. Therefore, the objection and any requirement related thereto should be withdrawn.

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Claims 1-4, 6-14, 16-20 and 22-23 are rejected under 35 U.S.C. § 102(b) as being unpatentable by U.S. Patent No. 6,463,537 to Tello (hereinafter "Tello"). This rejection is respectfully traversed and Claims 1-4, 6-14, 16-20 and 22-23 are believed allowable based on the following discussion.

Only Claims 1-4, 6, 8-14, 16-20 and 22 are specifically discussed by the Examiner. Thus, the § 102 rejection for Claims 7 and 23 is improper and should be withdrawn.

With regard to Claims 1 and 17, the Examiner asserts that Tello teaches *receiving, at a BIOS, a message from an authorized party; authenticating the message; and controlling a state of a feature of a system resource, using the BIOS, according to the message*. Tello teaches that a personalized computer with a unique encrypted digital signature which will not boot up or recognize any data storage or communication peripheral devices without a matching personalized smart card containing a complementary encrypted digital signature. In contrast, the claimed invention relates to enabling optional features on a computer based on authorized messages received by the BIOS.

Tello does not teach or suggest that the BIOS receives messages or any communication from an authorized party. Tello teaches that a smartcard is used to decrypt and authenticate a digital signature which allows a computer to boot. The reference cited by the Examiner shows only that a means for identifying authorized users exists. The means is not taught or described as receiving a message from an authorized party. Nor does Tello teach or suggest that the message identifies which optional feature should be enabled in the computer. The claimed invention requires that the state of an optional feature of a system resource is controlled by the BIOS, according to the received message. Controlling access to the computer (boot vs. not-boot) and controlling access to sensitive data, as described by Tello, is not the same as controlling the state of an optional feature of a system resource. Tello does not teach or suggest optional features, but merely controls booting a computer and access to data based on the data in the smartcard.

As for Claims 2, 12 and 18, the Examiner asserts that Tello teaches *verifying an identifier in the message against a unique system identifier of the system*. Tello teaches identifying the purpose and type of the smartcard. Tello does not teach or suggest a unique system identifier, and further, does not teach or suggest a message having an identifier to compare to the unique

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system identifier. Tello does not teach any message communication, but merely reading data in the smartcard and application of the data to authorize boot and data access.

As per Claims 3 and 19, the Examiner asserts that Tello teaches *writing the message into a secure non-volatile location*. Tello does not teach or suggest receiving messages, but merely checking static data within a smartcard. Thus, Tello cannot teach writing a message that is not received.

As for Claims 6, 16, and 22, the Examiner asserts that Tello teaches *loading and executing the content of the message using the BIOS at run-time*. Tello does not teach or suggest receiving messages, but merely checking static data within a smartcard. Thus, Tello cannot teach loading and executing the content of the message that is not received.

As for Claim 8, the Examiner asserts that Tello teaches a system comprising *a system resource having controllable optional features; a non-volatile memory that stores a BIOS, the BIOS being adapted to receive a secure message from an authorized party for controlling at least one of the optional features*. Tello does not teach a system with controllable optional features. Further, Tello does not teach or suggest receiving a secure message from an authorized party. Tello teaches checking static data contained in the smartcard to control booting a system and access to data. Tello does not teach or suggest receiving a message to control access to optional features of the system.

With regard to Claim 13, the Examiner asserts that Tello teaches a system comprising *a secure non-volatile location for storing at least one of the optional features to be enabled, the location being readable and writable by the BIOS*. Tello does not teach or suggest that the system may have optional features. Further, Tello does not teach or suggest that the optional features are to be stored in non-volatile memory, the storage being accessible by the BIOS.

Claims 4, 9-11, 14, and 20 are believed allowable as being dependent on allowable base claims. Thus, Claims 1-4, 6-14, 16-20 and 22-23 are believed allowable as amended.

Claims 5 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tello in view of U.S. Patent No. 6,584,561 to Merkin et al. (hereinafter "Merkin et al."). This rejection is respectfully traversed and Claims 5 and 21 are believed allowable based on the foregoing and following discussion.

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Merkin et al. disclose a system and method for restricting a compact disk (CD) containing boot software to work only on computer systems for which the boot software has been authorized to operate. Merkin et al. do not teach or suggest *splicing the contents of a message into the BIOS execution path*, as recited in the claims. Merkin et al. disclose that a computer system is checked for predetermined identification criteria to allow boot software from a CD to run on the computer system. Merkin et al. teach that a computer system may boot using the boot software on the CD. At no time do Merkin et al. disclose that a message is sent or that the contents of the message are used to alter a portion of the existing BIOS during boot. Instead, Merkin et al. teach a system where the system is booted using the entire boot software on the CD, not contents of a message. Merkin et al. teach replacing the existing boot software (BIOS) with the software on the CD to provide new boot software (Col. 2, lines 34-38).

Claims 7, 15 and 23 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Tello in view of U.S. Patent No. 6,769,059 to Qureshi et al. (hereinafter "Qureshi et al."). This rejection is respectfully traversed and Claims 7, 15 and 23 are believed allowable based on the foregoing and following discussion.

Qureshi et al. teach a system and method for updating a video BIOS independently of the system BIOS. This concept is not related to Applicant's claimed invention. Claim 7 requires the update of a feature set of the BIOS according to the content of the message. Qureshi et al. teach that the computer system must be powered off before the video BIOS can be updated. The video BIOS update is initiated by a hot sequence of keys. In contrast, Applicant's claimed invention uses contents of a message to update a feature set of the system BIOS. As defined, at least on page 10 of the specification, a feature set is used for multi-processor systems and comprises an MPS (Multiple Processor Specification) table for storing features related to the multiple processors, e.g., number of processors, processing speed of each of the processors, and so forth. Qureshi et al. do not teach multi-processor systems. One of ordinary skill in the art understands that including a graphics processor chip on a computer system does not make it a multi-processor system using a feature set to define the features of the various processors. Further, even if one considers a computer system having a central processor and a video/graphics processor to be a "multi-processor" system, Qureshi et al. fails to disclose or suggest updating a feature set of the

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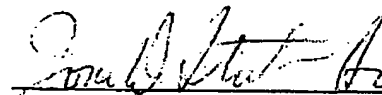
system BIOS based on content of a message. All claims remaining in the application are now allowable.

### CONCLUSION

In view of the foregoing, Claims 1 to 23 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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Joni D. Stutman-Horn  
Patent Attorney  
Intel Corporation  
Registration No. 42,173  
(703) 633-6845

c/o Blakely, Sokoloff, Taylor &  
Zafman, LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026